

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5408
Reverend Alfred C. Sharpton; Sharpton)
2004 (f/k/a Rev. Al Sharpton)
Presidential Exploratory Committee))
and Andrew A. Rivera, in his official)
capacity as treasurer; National Action)
Network, Incorporated; Roger Stone;)
LaVan Hawkins; Wendy Hawkins)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on May 03, 2005, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 5408:

1. Find reason to believe that National Action Network, Inc., and Alfred C. Sharpton, as an officer of National Action Network, Inc., violated 2 U.S.C. § 441b by making impermissible corporate contributions to Sharpton 2004.
2. Find reason to believe that Alfred C. Sharpton, Sharpton 2004 and Andrew A. Rivera, in his official capacity as treasurer, violated 2 U.S.C. § 441b by accepting corporate in-kind contributions from National Action Network, Inc.
3. Find reason to believe that Sharpton 2004 and Andrew A. Rivera, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).
4. Find reason to believe that Roger Stone, LaVan Hawkins and Wendy Hawkins violated 2 U.S.C. § 441a(a)(1)(A) by making excessive in-kind contributions to Sharpton 2004.
5. Find reason to believe that Alfred C. Sharpton, Sharpton 2004 and Andrew A. Rivera, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions from Roger Stone, LaVan Hawkins and Wendy Hawkins.

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6. Take no action at this time with respect to the allegation that Alfred C. Sharpton, Sharpton 2004 and Andrew A. Rivera, in his official capacity as treasurer, violated the Act or its corresponding regulations by accepting the free use of automobiles from a car dealership.
7. Find reason to believe that Sharpton 2004 and Andrew A. Rivera, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. § 434(b)(4)(A) by submitting disclosure reports with inaccurate expenditure information.
8. Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated April 20, 2005.
9. Approve the use of compulsory process in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
10. Approve the appropriate letters.

Commissioners Mason, McDonald, Smith, Toner, and Weintraub voted affirmatively for the decision. Commissioner Thomas dissented.

Attest:

May 4, 2005
Date

Darlene Harris

Darlene Harris
Deputy Secretary of the Commission

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